IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3379 OF 2007
IN
FIRST APPEAL NO. 1922 OF 2007

Harish Keshav Menon & Anr. ... Applicants

V/s.

Mukesh Chabildas Parekh & Anr. ... Respondents

Mr. S.S. Kanetkar for the Applicants

Mr. R.S. Kate holding for Mr. R.D. Suryawanshi for the Respondents.

CORAM: **J.N. PATEL AND A.A. SAYED, JJ.**

DATE: **SEPTEMBER 28, 2007**

P.C.:-

1. Heard.

2. During the pendency of the suit, the Court Receiver has been appointed, and the applicants have been put in possession of the suit Shop No. 2 as agents of the Court Receiver. Therefore,

taking into consideration that during the pendency of the suit, the applicants were in possession of the suit Shop No. 2, of which specific performance is sought, we are inclined to allow the application in terms of prayer clauses (a) and (b). The Court Receiver shall renew the Agency Agreement in respect of the suit Shop No. 2 on the same terms and conditions.

3. Application is accordingly allowed.

J.N. PATEL, J.

A.A. SAYED, J.